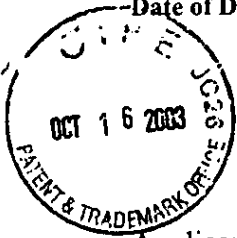


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Attorney Docket No. 21231-509
Expedited Procedure
Under 37 C.F.R. §1.116
Group Art Unit 2828



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hans Kodeda, et al.
Serial No.: 09/510,666
Filed: February 22, 2000
For: OPTICAL ELEMENT HOLDING AND EXTRACTION DEVICE

Examiner: Delma R. Flores Ruiz
Art Unit: 2828

October 16, 2003
New York, New York

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Commissioner for Patents
P.O. Box 1450
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RESPONSE AFTER FINAL REJECTION

Sir:

The subject application has been carefully reviewed in light of the outstanding Office Action dated July 16, 2003. Claims 1-34 are pending, with claims 1 and 16 are independent. In response, Applicants submit the following remarks.

Claims 1-34 were rejected under 35 U.S.C. §102 as being anticipated by U.S. patent no. 6,567,450 (Myers et al.). For the following reasons, Applicants submit that the claimed invention is patentable over the cited prior art.

The Invention

Independent claim 1 is directed to an optical element holding and extraction device which includes a unitary optical element having a peripheral edge. The peripheral edge is substantially planar with respect to a first direction substantially perpendicular to the peripheral edge. The

device also includes a unitary optical holder, comprising a tubular gripping portion for engaging the peripheral edge of the optical element, to retain the optical element within the optical holder. The optical holder also comprises a tubular extraction portion connected at one end to the tubular gripping portion, having a diameter less than the tubular gripping portion. A retainer is also provided having an interior surface for engaging an exterior surface of the tubular extraction portion so as to be slideable along the exterior surface of the tubular extraction portion in a second direction substantially perpendicular to the first direction. Gas laser claim 16 recites the same patentable features.

The Cited Prior Art

As understood by Applicants, Myers et al. discloses a two chamber, high rep rate gas discharge laser system which includes an etalon assembly 184. The etalon includes a top plate 80 having a flange 81 and a lower plate 82, both plates being comprised of premium grade fused silica. An etalon 79 is held in place in an aluminum housing 84 only by gravity and three low force springs 86 pressing the flange against three pads positioned on 120 degree centers under the bottom edge of flange 81 at the radial location indicated by leader 85. A clearance of only 0.004 inch along the top edge of flange 81 at 87 assures that the etalon will remain approximately in its proper position. Other optical components of etalon assembly 184 include diffuser 88, window 89 and focusing lens 90 having a focal length of 458.4 mm.

Analysis

In order for a relied upon reference to be used as an anticipating reference in a rejection under §102, the reference must disclose each and every feature of the claim. In that regard, Applicants respectfully submit that Myers et al. fails to at least disclose a unitary optical holder comprising a tubular gripping portion and a tubular extraction portion. Specifically, in the Action, an attempt at justifying the §102 rejection is made by relying on corresponding the claimed tubular extracting portion of the unitary optical holder recited in claim 1 as being the equivalent to item no. 91A, numbered by the Examiner in Fig. 14E.

Item 91A, however, appears to Applicants to disclose an empty space. Applicants could find nothing in the disclosure of Myers et al. that would in any way make this empty space be the equivalent to any member, item, device or apparatus much less the tubular extraction portion of Applicants' recited unitary optical holder. Applicants' tubular extraction portion is not an empty space, but rather it is an item that may be grasped and rotated so that the optical element gripped by the gripping portion may also be rotated (see specification, page 14, lines 16-18; see also item no. 419, Fig. 4 and specification page 12, line 34, through page 13, line 4).

Applicants are at a loss to understand how the Action came to the conclusion that the empty space between ref. nos. 79 (silica etalon) and 85 (aluminum housing) could in any way, shape or form, be considered as Applicants' claimed unitary optical holder extraction portion.

Since the remainder of the prior art of record fails to at least disclose, teach or suggest the deficiencies of Myers et al., independent claims 1 and 16 are patentable over the cited art. Furthermore, since the remainder of the claims are dependent upon either one or the other of the independent claims, they necessarily incorporate by reference all the features of their respective

base independent claims. Thus, the dependent claims are patentable over the prior art for at least the same reasons. Since each of the dependent claims also recited patentable subject matter in their own respective right, separate consideration of the patentability of each of the dependent claims is also respectfully requested.

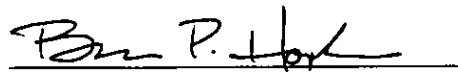
CONCLUSION

In view of the foregoing remarks, Applicants submit that the issues raised in the Final Office Action of July 16, 2003 have all been addressed. Accordingly, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

It is believed that no fees are due. In the event that it is determined that fees are due, however, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0311.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 692-6803. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


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Date: October 16, 2003

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